

# The Pacific Commercial Advertiser

U. S. WEATHER BUREAU, December 4.—Last 24 hours' rainfall, .60.  
Temperature, Max. 78; Min. 70. Weather, showery.

SUGAR—96 Degree Test Centrifugals, 3.84375c; Per Ton, \$76.875.  
88 Analysis Beets, 9s.; Per Ton, \$77.60.

VOL. XLIV., NO. 7590.

HONOLULU, HAWAII TERRITORY, WEDNESDAY, DECEMBER 5, 1906.

PRICE FIVE CENTS

## BROWN HAS THE COURT'S COUNT BY MAJORITY OF ONE

### Kinney Attacks Validity of Election on Grounds of Fraud and Will Marshal the Evidence Today.

One more vote for Brown than for Laukea was the result yesterday of the inspection by the Supreme Court of all the votes cast on the island of Oahu for County Sheriff on November 6 last. This was the announcement from the bench in the afternoon, with a reservation made by Chief Justice Frear that this result was subject to a tallying of all the figures to be made later.

Immediately, Mr. Kinney of counsel for Mr. Laukea, asked that he be allowed to present evidence that there had been tampering with the inspector's envelopes sent to County Clerk Kalanokalanani from the Eighth Precinct, Fifth District, and the Fourth Precinct, Fourth District. He placed two witnesses on the stand, Inspectors Barker and Stroup of the Eighth Precinct. The envelope upon which Mr. Kinney's contention in the Eighth Precinct is based was introduced as evidence, and both inspectors stated positively that when the envelope was placed in the cloth bag provided by the County Clerk it was properly sealed and signed by all three inspectors.

Mr. Kinney during an argument on some phases of the answers given by the inspectors practically charged fraud in connection with the handling of the bags and envelopes after they were placed in the keeping of County Clerk Kalanokalanani. At this stage of the proceedings Court was adjourned to 10 a. m. today when Mr. Kinney will present further evidence in support of his contention.

There was tense excitement in the Supreme Court room while the audience was waiting for the announcement of the result of the last two precincts, Ewa and Waianae, Fifth District. All during the afternoon the figures had seemed first giving hope to Laukea and then to Brown. The latter was laboring under suppressed excitement for at that time he was either one ahead or it was an even break for both himself and Laukea.

"This is as bad as waiting for the turn of a roulette wheel," said Mr. Brown sotto voce. Finally the result in one of the two precincts was announced, there being no change.

Then came a long wait before the announcement of the last of the 23 precincts. Sheriff Brown said quietly that he wished they would announce it and end it one way or another. It came and with it the statement that according to the way the figures stood then, Brown was one ahead of his opponent.

At this juncture A. V. Gear, who had been keeping close tabulation on all figures, brought his sheet of figures over to Brown and it showed that each had broken even. He said he was certain of that.

There is some uncertainty about the figures even now and Supreme Court Clerk Thompson was given the lists last evening to tally and present the result to the court this morning.

Here are figures of the results of gains and losses and which apparently give Brown the one vote gained over Laukea:

FOURTH DISTRICT.		
	Net Gain.	Net Loss.
1st Precinct	1	0
2nd Precinct	2	0
3rd Precinct	0	0
4th Precinct	3	0
5th Precinct	12	1
6th Precinct	2	2
7th Precinct	3	3
8th Precinct	3	0
9th Precinct	0	0
10th Precinct	0	0
Totals	21	6

  

FIFTH DISTRICT.		
	Net Gain.	Net Loss.
1st Precinct	0	0
2nd Precinct	0	0
3rd Precinct	1	0
4th Precinct	0	0
5th Precinct	0	0
6th Precinct	1	1
7th Precinct	6	0
8th Precinct	1	0
9th Precinct	0	0
10th Precinct	0	0
11th Precinct	0	0
12th Precinct	0	0
13th Precinct	5	0
Totals	8	8

Brown's net gain, 15.

The results of precinct counts yesterday was as follows:

TENTH OF THE FOURTH.		
	Rejected	Official Re-count, by Insprts.
Laukea	18	18

Brown ..... 15 15 ..  
Blank ..... 1 2 ..

FIRST OF THE FIFTH.

Office'l Re-count, by Insprts. Rejected  
Brown ..... 83 82 8  
Laukea ..... 68 67 9  
Blank ..... 4 14 ..  
Rejected by Court—Brown, 1; Laukea, 1.

SECOND OF THE FIFTH.

Office'l Re-count, by Insprts. Rejected  
Brown ..... 101 100 1  
Laukea ..... 87 86 1  
Blank ..... 1 17 ..  
Rejected by Court—Brown, 2; Laukea, 1.

THIRD OF THE FIFTH.

Office'l Re-count, by Insprts. Rejected  
Brown ..... 109 109 0  
Laukea ..... 86 85 1  
Blank ..... 4 23 2  
Rejected by Court—Brown, 1; Laukea, 2.

SIXTH OF THE FIFTH.

Office'l Re-count, by Insprts. Rejected  
Brown ..... 184 182 2  
Laukea ..... 110 110 0  
Blank ..... 9 39 9  
Rejected by Court—Brown, 1; Laukea, 0.

EIGHTH OF THE FIFTH.

Office'l Re-count, by Insprts. Rejected  
Brown ..... 76 78 2  
Laukea ..... 123 119 4  
Blank ..... 3 6 3  
Rejected by Court—Brown, 2; Laukea, 6.

NINTH OF THE FIFTH.

Office'l Re-count, by Insprts. Rejected  
Brown ..... 131 130 1  
Laukea ..... 169 167 2  
Blank ..... 2 8 8  
Rejected by Court—Brown, 1; Laukea, 2.

In the Fourth of the Fifth there were no rejections by the court.

Brown made a gain of six votes in the Eighth Precinct, Fifth District, in which instance Mr. Kinney had previously called attention to the fact that the envelope containing the ballots had been mutilated and a slit made across the reverse side beneath the seal large enough for ballots to be removed and returned.

CHIEF JUSTICE'S STATEMENT.

When all the precincts has been accounted for Judge Frear said: "It looks as if Mr. Brown was one ahead." He stated that this was merely a preliminary step in the proceedings.

Judge Gear counsel for Brown said: "That is the way we have figured it. We rest our case."

Mr. Kinney then arose and stated: "Then we have evidence to present."

Judge Frear asked him to present his evidence. Mr. Kinney presented the paper envelope from the Eighth Precinct, Fifth District. "We claim that it appears on the face of it absolutely and conclusively that the bag had been opened. We will introduce the three inspectors and offer evidence that the paper bag put inside the cloth bag was in perfect condition when put in."

Inspector Barker, who was placed in the witness box, said that the bag had three seals on it when it left his hands and was placed in the cloth bag. He went on to explain how the ballots were counted. This was done by Mr. Stroup, who read the names with Barker looking on and Ed. Fountain tallying. Ben Zabian, Isaac Cockett and Jim Kapihe, whom Mr. Kinney designated as Brown's representatives, were leaning over the rail and table and watched the proceedings closely, which were conducted in the glare of an electric drop light. No objection was made by these watchers to the result of the count of the ballots.

When an objection was made by Gear to a certain question, Mr. Kinney said it was his purpose to bring out testimony to prove that the bag had been tampered with. He said he would have similar evidence to offer for the Fifth of the Fourth District. He said that his client had not been properly protected in his rights. He said there was not a single safeguard on behalf of his client.

"We consider it an outrage and ask the privilege of showing the facts," he said.

Mr. Gear said that Mr. Kinney was a little late in offering his evidence. He said that his side had shown affirmatively that these ballots had not been touched. He said every one of the bags had been inspected by inspectors and they found everything in the same condition as when they left them. He said there was not a little or jot of testimony that these bags or ballots had been tampered with. He claimed that Mr. Kinney had had his chance before

(Continued on Page Two.)

## GRAFT OF H. C. BIRBE

### Works His Police Pull to Get the Drunks From Cell.

To get out of the police cells and avoid the trouble of appearing in court it is necessary to see one H. C. Birbe. He has a pull with the high officials of the department and has the power to get out of custody those arrested for little affairs like drunkenness and others concerning which the public at large takes little notice. Naturally Mr. Birbe does not work his pull unless there is something in it for Mr. Birbe. A police pull which could not be made to yield the necessary gold would be of no use to Birbe. He is not a philanthropist.

In one case, at least, which has happened within the past week, Birbe has extorted money from a prisoner of the police, securing his release from custody and arranging matters so that he was not entered upon the trial calendar. This affair occurred on Thanksgiving day, the particulars of which show the glaring misuse of power exercised at the police station and the graft worked by this man Birbe. How many others there may be in the same game or who else besides the one who makes the extortion shares in the money thus illegally obtained is not known.

On the afternoon of November 29 Alfred Tregaras, a driver employed by Levers & Cooke, was arrested at the fishmarket and lodged in the police station. A charge of drunkenness was registered against him. Regarding the merits of the arrest it is not necessary to say, but at the station a companion of Tregaras was told that no bail would be accepted. This companion, George Domingo, offered to put up \$25 to secure the release of Tregaras, but his offer was turned down.

Domingo stood outside the police station for some time, talking over the case with Special Officer Leal, in the course of his conversation again offering to put up \$25 bail. At this point of the game Birbe appeared, accompanied by an older companion, whose name is known.

At the mention of money Birbe pricked up his ears and edged near, finally taking Domingo to one side, telling him he had something to say to him.

What he had to say was that if there was any money in it, he, Birbe, knew a way to get Tregaras out of jail and shut off any further trouble in his case. Domingo asked him what his price was.

"Well," said Birbe, "to get him out and keep him from coming up for trial in the morning ought to be worth \$15 to him."

Now, while Domingo was quite willing to put up a good sum for bail, he was not prepared to put up \$15 knowing that there was no possibility of getting any of it back. He wanted to consult Tregaras before he did so, but he was denied admittance to the station house by J. Kanae, the police officer who had made the arrest at the fishmarket.

Under the circumstances Birbe came down by his price, offering to take \$10 and finally \$5. On this basis the deal was made. Birbe was to be paid his graft and the prisoner was to be released and his charge canceled. Birbe's companion then took charge of Domingo, keeping him away from the station while Birbe went inside "to telephone to Henry Vida and fix it up," as he explained.

Within a short time Birbe returned, with him being Tregaras. He had made good regarding what he had told about his power to fix things with the police. Turning his charge over to Domingo, Birbe and his companion made a bee line for Scotty's saloon.

From there he drifted up to McTigue's saloon. He had been celebrating the holiday and by this time had become drunk enough to be talkative. An Advertiser reporter overheard enough of his talk to learn that there was something doing.

Birbe's remarks were interesting. He dealt with the glorious graft he had and from this wandered on to the recent election and the recount. His graft and the political affairs of the police department were evidently connected, as the drift of his conversation proved.

"The majority shall prevail," said Birbe, striking an attitude, then with an air of drunken archness adding, "but not always. When you can work the machine after the election sometimes the minority will prevail."

"Laukea might be the next sheriff," he continued, "but he'll have to wait for two years before he is. Brown has gained some on him already in the recount, but before they get through all

(Continued on Page Three.)

## MOORE GETS AFTER BAND

### Says the County Doesn't Need It and Belittles Berger.

The band furnished the breeze at the Board of Supervisors' meeting last night.

After the estimates for the month had been passed without any reference to Honolulu's music-makers, Moore said "band."

Everybody woke up and the fun started.

First of all Moore gave an imitation of a man who didn't know that the band had already recommenced to work for the county, forgetting that he had helped to decide the matter at the last meeting of the board.

The act wasn't a howling success being promptly countered by the chair's reminder of what took place at the last meeting with reference to the band's engagement by the county beginning on December 1.

Then Moore got hostile. The county didn't need any band, anyway, said he. Berger, as a leader, was incompetent and altogether impossible. He had presumed to tell Moore when he intended to go to work and it was up to the board to see that the band didn't run the county.

After urging that the band be cut down numerically and that the Kapellmeister's salary be operated upon, another cat jumped out of the cornet cover.

Moore had a friend, a skilled musician, respectful and not one whit dictatorial. He would gladly lead the band for \$100 a month, or \$85 less than Berger's present stipend.

Lucas stood up for the music-makers whom, he declared, as an organization, were indispensable to the town. He had the whole of the board behind him, barring Moore. His motion that the salary of the band start from the beginning of the present month, found favor with everyone except Moore, who voted "no."

The estimates for the present month were passed at \$36,425, exclusive of the band, whose appropriation will be arranged for at the next meeting.

The police bit was the same old size as of yore, the diligent investigatory committee having uttered another parrot-like squawk for "more time."

THE CONGREGATION.

Present were: Chairman Smith, Supervisors Lucas, Cox, Moore, Dwight; Clerks Kalanokalanani, Buffandeau; Stenographer Aea, C. Hustace, J. Fern, George Lucas, C. D. Pringle, F. S. Dodge, Harry Murray, Sheriff Brown, Capt. Sam Johnson, County Engineer Gere and F. L. Webster.

The committee on the police report again asked for further time, which was granted.

ROAD MATTERS.

Lucas reported on various more or less remote streets and avenues.

He complained that there was not enough money to do all the road work desired. Some would have to be sidetracked. Money had to be left on hand for the incoming board.

The report of the County Treasurer for November was read and placed on file.

SINEWS OF WAR.

The following bills were passed: Koolauoko road district, \$116.40. County office rent, \$120.00. Waianae road district, \$198.65. Kapiolani Park, \$343.50. Ewa road district, \$956.25. Ewa road district, \$430.29. Garbage department, \$669.40. County Engineer, \$98.85. Pali road, \$1348.62. Koolauoko road district, \$33.75. Koolauloa road district No. 1, \$100.00. Koolauoko road district, \$103.71. County Engineer (inspectors and labor, \$84.00. Wai'alua road district, \$778.00. Wai'alua road district, \$201.46. County Auditor, \$12.95. County Attorney, \$44.25. Road department, \$1849.82. Wai'alua road district, \$24.10. Koolauloa road district No. 2, \$422.10. Fire department, \$958.24. County beach park, \$190.00. Road department (bridges), \$312.24. Koolauloa road district No. 2, \$125.00. Road department (Queen street bridges), \$2102.59. Police department, \$248.55. Electric light department, \$693.00.

FROM ATLANTIC CITY.

The following communication was read and the clerk was instructed to send a copy of Park Expert Robinson's report to the writer:

November 15, 1906. Mayor of Honolulu, Honolulu, Hawaiian Islands.

Dear Sir: Atlantic City is contemplating the appointment of a commis-

(Continued on Page Seven.)

## ROOSEVELT HAS CONDEMNED THE CALIFORNIANS

### British Press Applauds His Actions--Honolulu-Born Poetess Dead--San Francisco Grand Jury Hear the Supervisors.

(Associated Press Cablegrams.)

LONDON, December 5.—The British press commends the sentiments expressed in President Roosevelt's message to Congress, particularly that part of it expressing his condemnation of the action taken in California to prevent the Japanese children from attending the public schools.

MESSAGE DISPLEASES CONGRESS.

WASHINGTON, D. C., December 4.—The President's proposal in his message to naturalize Japanese is displeasing to Congress.

The Raynor resolution expresses the sentiment of the Senate that the public schools of the States are outside of Federal jurisdiction and there is no provision in the treaty with Japan interfering with the legislation of California.

TO FORTIFY SAN FRANCISCO.

WASHINGTON, D. C., December 4.—Congressman Kahn asks \$150,000 appropriation for the placing of torpedoes in San Francisco bay.

CHINA FOR THE CHINESE.

HONGKONG, December 5.—The Canton Chinese have sent a protest to Peking against the Kowloon railway loan, which they say is particularly advantageous to the foreigners. They claim that the benefits should go exclusively to the Chinese.

JAPANESE ADVISERS STAY IN NEWCHWANG.

SHANGHAI, December 5.—The agreement for the transfer of Newchwang back to the Chinese provides for the withdrawal of the Japanese troops but the retention of Japanese advisers in all public matters.

REPUBLICAN'S ELECT MAJORITY IN MASSACHUSETTS.

BOSTON, December 5.—In the municipal elections in this State yesterday the Republicans carried nine of the cities and the Democrats two.

DEMOCRATS CARRY LOS ANGELES.

LOS ANGELES, December 5.—The Democratic candidate for mayor has been elected with a majority of two thousand.

WIDOWER OF CHARLOTTE BRONTE DEAD.

LONDON, December 5.—Rev. Arthur Bell Nicholls, the husband of Charlotte Bronte, is dead.

GRAND JURY QUESTIONS THE SUPERVISORS.

SAN FRANCISCO, December 5.—The Grand Jury has been examining the Supervisors regarding the letting of contracts and the granting of city franchises.

RUSSIANS THREATENED IN SIBERIA.

ST. PETERSBURG, December 5.—The Japanese and Chinese residents are threatening to drive the Russians out of the district around Lake Baikal.

POETESS CORA WILBURN DEAD.

ROXBURY, Massachusetts, December 5.—Cora Wilburn, the poetess, died here yesterday. She was born in Honolulu in 1831.

FIFTY PEOPLE DROWN AT CLIFTON.

CLIFTON, Arizona, December 5.—Through the breaking of an irrigation dam half this town has been destroyed. Fifty people have lost their lives from drowning.

AFTERNOON CABLE REPORT.

SAN FRANCISCO, December 4.—Admiral Swinburne has chosen the cruiser Charleston for his flagship. The cruiser Chicago was formerly the flagship of the Pacific squadron.

NEW YORK, December 4.—Terry McGovern, the famous prizefighter, is under observation. It is thought that he is insane.

WASHINGTON, D. C., December 4.—The Slaydon bill discharging negro soldiers provides that they can not enlist in the future.

## ST. ANDREW'S CONGREGATION DISCUSSES BUILDING PLANS

At the meeting of the congregation of St. Andrew's Cathedral held last evening for the purpose of considering the proposed gift of a parish house to the cathedral by the family of the late Theo. H. Davies there was a large and representative gathering. The plans were discussed and a resolution requesting Dean Restarick to express to the donors the thanks of the congregation was unanimously adopted.

The plans of the Parish House in the public prints give an idea of a closer connection with the cathedral building than is really the case. A cloistered architecture prevails which will give a clear view from Emma Square between the cathedral and Parish House.

The roof of the Parish House will be tiled giving an effect new and harmoni-

ous. Action on the proposed memorial to Alice Macintosh resulted in the passage of a resolution instructing the Dean to appoint two additional members of the committee on the memorial who should not be communicants of the church, it being the wish of the congregation that the community-at-large should be asked to take an interest in the memorial to this well known and beloved woman. The committee were authorized to solicit subscriptions and to secure an estimate of the cost of the proposed memorial tower. It is expected to approximate a cost of about \$20,000. It is not thought it will be a hard task to raise this amount as the friends of Mrs. Macintosh number everyone in the islands.

The committee will proceed immediately to canvass for subscriptions.